UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/619
27 May 1999

ORIGINAL: ENGLISH

LETTER DATED 27 MAY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, the aide-mémoire on attacks by the North Atlantic Treaty Organization against diplomatic and consular missions in the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Aide-mémoire on attacks by the North Atlantic Treaty Organization against diplomatic and consular missions in the Federal Republic of Yugoslavia issued at Belgrade on 26 May 1999

The Federal Republic of Yugoslavia draws attention hereby to attacks by the North Atlantic Treaty Organization (NATO) against diplomatic and consular missions, as well as against diplomatic and consular officers on its territory, as a special form of aggression.

I

In NATO aggressors' actions so far against civilian targets in Belgrade residential quarters, the Embassy of the People's Republic of China was a direct target of NATO bombing, while another 19 diplomatic missions, embassies or Ambassadors' residences suffered either a larger or smaller degree of destruction due to bombing of civilian targets in the vicinity of these buildings.

1. On the night of 7-8 May 1999, NATO aircraft launched several missiles against the Chinese Embassy building and residence at 3 Trešnjin cvet Street. Three Chinese journalists who happened to be in the building at that time were killed on the spot, and another eight members of the staff sustained serious or light injuries, of whom the condition of the Defence Attaché was the most serious.

2. The Embassy building and residence, which are owned by the State of the People's Republic of China, were damaged to such an extent by missiles that they have been rendered inoperative, and the staff were forced to relocate to another venue.

The Yugoslav Government has taken appropriate measures to assist the Embassy to enable it to resume its operations and has also taken appropriate diplomatic steps concerning this crime by NATO aircraft, unprecedented in international practice thus far.

As regards the bombing of its Embassy, the People's Republic of China has undertaken a number of well-known measures, ranging from informing the international public to addressing the Security Council and the Government of the United States of America with a request to carry out an investigation and punish those responsible for the attack against the Embassy, which is, on the basis of its extraterritoriality, treated as part of the territory of the People's Republic of China.

2. On the night of 19-20 May 1999, during the bombing of the Dragiša Mišović Hospital, the Embassy of Angola, situated at 35 Tolstojeva Street, was damaged as a result of explosions (the windows were broken and window and door frames of the building and the garage were damaged).

3. On the night of 19-20 May 1999, the Danish Embassy, at 9a Neznanog junaka Street, suffered damage in the bombing of the Dragiša Mišović Hospital (windows were broken).

4. On the night of 19-20 May 1999, the residence of the Egyptian Ambassador, at 25 Tolstojeva Street, was damaged, also as the result of the bombing of the Dragiša Mišović Hospital (windows were broken).

5. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital caused damage to the residence of the Indian residence, at 19 Andra Nikolić Street (windows were broken and window and door frames damaged).

6. On the night of 19-20 May 1999, the Iraqi Embassy, at 38 Teodor Drajzer Street, suffered damage in the bombing of the Dragiša Mišović Hospital (windows in the basement and on the first floor were broken, and the adjoining building sustained exterior and interior damage).

7. On the night of 19-20 May 1999, the residence of the Ambassador of the Islamic Republic of Iran, at 48a Uzička Street, was damaged in the bombing of the Dragiša Mišović Hospital.

8. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital inflicted damage to the residence of the Israeli Ambassador, at 47 Bulevar mira Street.

9. During the bombing of the building housing the headquarters of the Yugoslav Army on the night of 29-30 April and again on the night of 7-8 May 1999, the Italian Embassy, at 11 Birčaninova Street, as well as the Ambassador's residence, at 9 Birčaninova Street, sustained damage.

10. During the bombing of the Federal Ministry of the Interior and the Republican Ministry of the Interior buildings, the explosions caused damage to the windows on the Canadian Embassy building, at 76 Kneza Miloša Street.

11. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital caused damage to the residence of the Ambassador of the Libyan Arab Jamahiriya, at 54 Tolstojeva Street (the windows in the basement and on the first floor were broken and window frames as well as the entrance door suffered damage).

12. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital caused damage to the residence of the Hungarian Ambassador, at 25a Bulevar mira Street.

13. On the night of 19-20 May 1999, the bombing of the Dragiša Mišović Hospital resulted in damage to the Norwegian Ambassador's residence, at 19 Tolstojeva Street.

14. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital damaged the Pakistani Embassy building, at 62 Bulevar mira Street (all glass on the doors and windows was broken).

15. On the night of 19-20 May 1999, the bombing of the Dragiša Mišović Hospital caused damage to the Polish Ambassador's residence, at 58 Bulevar mira Street (the glass on the windows and doors was broken and some of the doors were pulled out of their frames).

16. On the night of 19-20 May 1999, the bombing of the Jugopetrol depot on Radnička Street and the bombing of the Dragiša Mišović Hospital inflicted damage to the residence of the Ambassador of the Syrian Arab Republic, at 3 Milovana Glišića Street (the windows were broken and all three chandeliers in two rooms were broken to pieces).

17. On the night of 19-20 May 1999, the explosions following the bombing of the Jugopetrol depot on Radnička Street caused damage to the Spanish Ambassador's residence, at 26 Augusta Cesarca Street.

18. On the night of 19-20 May 1999, the bombing of the Jugopetrol depot on Radnička Street caused damage to the Swiss Ambassador's residence, at 30 Andre Nikolića Street (windows were broken and the door to the main building was damaged).

19. On the night of 19-20 May 1999, the explosions following the bombing of the Dragiša Mišović Hospital caused damage to the Swedish Ambassador's residence, at 45 Uzička Street (the glass on the windows and doors was broken and a French window was pulled out by the blast).

20. On the night of 19-20 May 1999, the bombing of the Dragiša Mišović Hospital caused damage to the Zimbabwean Embassy building, at 51 Tolstojeva Street (the glass on the windows and doors was broken and two doors and their frames were pulled out).

II

The attacks of NATO aggressors against diplomatic and consular missions in the Federal Republic of Yugoslavia represent a violation of the norms of international law concerning the obligation not to use force against another State, not to violate the sovereignty of another State and, in particular, the provisions of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which was adopted by the General Assembly on 14 December 1973 and which entered into force on 20 February 1977. Yugoslavia has been a party to this Convention since 17 December 1974, and among the NATO member States that are taking part in the aggression against the Federal Republic of Yugoslavia, the parties to the Convention are the United States, the United Kingdom of Great Britain and Northern Ireland, Germany, Canada, Italy, Spain, Portugal and the Netherlands.

Crimes against diplomatic agents and other internationally protected persons constitute a serious threat to the maintenance of normal international relations, and in this specific case they represent a special form of threat to international peace and security. The purpose of bombing diplomatic and consular missions and Ambassadors' residences is to exercise pressure on

diplomatic representatives who have remained in the Federal Republic of Yugoslavia to leave the country.

Article 2 of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, incriminates such acts as murder, kidnapping or other attacks on internationally protected persons, violent attacks against official premises or private residences or vehicles of internationally protected persons which might put their person or liberty at risk.

Under the Convention, a suspect is a person against whom there is sufficient prima facie evidence that he has committed or taken part in the commission of one or more crimes against internationally protected persons.

The States parties to the Convention are bound to take necessary measures to punish the perpetrators of crimes against internationally protected persons, including in cases where the perpetrator is a national of the same State (article 3 of the Convention).

Under article 7 of the Convention, a State party on the territory of which a suspect finds himself is bound to prosecute him in accordance with its national laws without exception and delay. All States parties are obliged to provide in their criminal legislation for an appropriate punishment of the perpetrators of crimes against internationally protected persons, taking into account the severity of the crimes committed.

The competent authorities of the Federal Republic of Yugoslavia are doing all they can to ensure the conditions for the normal work of diplomatic and consular missions and their representatives, in accordance with its obligations under the Vienna Convention on Diplomatic Relations of 1961. In this respect, it will assist them to create appropriate conditions for the rapid repair and elimination of the damaged caused.